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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 12 December 1995, addressed to the Chairman of the Commission on Human Rights at its fifty-first session, by Mrs. Elisabeth Rehn, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia

Recently I conducted my second mission within the framework of my mandate as the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia. Information which was gathered during that mission will be used for the preparation of my next comprehensive report to be presented to the Commission during its forthcoming session. However, taking into account the present situation in the region and, in particular, problems arising from the peace agreement signed in Dayton, I feel obliged to share with you and, through you with the members of the Commission, the main observations which I made during the mission.

Bosnia and Herzegovina

For the first time since October 1992, the Special Rapporteur of the Commission on Human Rights was able to visit territories controlled by the Bosnian Serb forces. In my role as Special Rapporteur, I visited Bijelina and Banja Luka, and managed to obtain firsthand information concerning various aspects of the human rights situation in the region. I would like to stress that the Bosnian Serb authorities offered me their full cooperation. As a result the Centre for Human Rights has undertaken preliminary steps in order to open a human rights monitoring office in Banja Luka.

The humanitarian situation of several thousands of Serbs displaced from other areas in Bosnia and Herzegovina and from the Republic of Croatia is very serious and requires considerable international attention. There are indications of a certain degree of improvement of the human rights situation of the remaining Muslim and Croat population in the region. Nevertheless their situation is still very difficult and they are suffering various types of harassment and persecution. I was able to pay a visit to a prison in order to meet the leadership of the humanitarian organization "Merhamet" who have been kept in prison without trial for several months already under very difficult conditions. Their fate, as well as the fate of the so-called Valter group, illustrates the gravity of the human rights situation in the region.

During my trip through Central Bosnia and Herzegovina, I witnessed the practice of the burning and looting of houses by Bosnian Croat army soldiers, particularly in the Mrkonjic-Grad area. I raised this problem during my meetings with the Bosnian Croat authorities in Mostar, as well as with the Croatian authorities in Zagreb. While the authorities seem to attribute these practices to the understandable feeling of frustration on the side of some individuals, information gathered by various international sources, including the United Nations, indicates that these acts have the hallmarks of an organized action.

Insignificant progress has been achieved as far as the return of displaced persons within the Federation of Bosnia and Herzegovina is concerned. My meetings with local authorities in Jajce and Bugojno did not give much hope that those authorities are seriously committed to the principle of return.

On the other hand, substantial progress has been made as far as the freedom of movement in Mostar is concerned. This freedom has been guaranteed to all women and children as well as to all men of non-military age. The European Union administration of that city has also managed to achieve some progress in the rebuilding of an educational and health infrastructure.

Federal Republic of Yugoslavia

During my mission to that country, I devoted special attention to the problem of the human rights situation of the Albanian population in Kosovo. Through my direct contacts with local authorities, representatives of various Albanian organizations and with private citizens, I attempted to verify information concerning that problem. I intend to further analyse this problem, inter alia, in the course of missions of field officers of the Centre for Human Rights. Of particular concern is the situation of children who are deprived of a regular school system and adequate health protection. I have observed a deep mistrust between the authorities and the ethnic Albanian population. There are still cases of police brutality, harassment of the local population and restrictions on the freedom of movement. The area remains a potential flashpoint of conflict in the region.

During my meetings in Belgrade, I once again raised the question of opening an office of the Centre for Human Rights in that country. While I have not received an answer to that request I trust that a positive reaction may be expected soon.

Republic of Croatia

The authorities of that country once again displayed their readiness to offer their full and unconditional cooperation to the Special Rapporteur. I was assured about this cooperation, inter alia, during my meetings with the President of the Republic and the Ministers of Defence and the Interior. The main concern, remains, however, the situation of the Serbian population in the former sectors South, North and West. The majority of these people belong to vulnerable groups and require immediate assistance and help.

During my visit to Erdut and Vukovar, I acquainted myself with the situation in Sector East. The humanitarian situation in the region is very difficult due to the presence of several hundred refugees. There are indications that the human rights situation of the remaining non-Serbian population has been improving. Nevertheless it is still far from satisfactory. Preserving a multi-ethnic society in that region will require significant international involvement. I have been informed that all international agencies will soon be given full freedom of movement. Consequently the Centre for Human Rights is planning to open an office in that region. I trust that the activities of the field officers which are undertaken within the framework of my mandate will contribute to the peaceful reintegration of that region into the Republic of Croatia as stipulated in the Washington agreement.

Missing persons

One of the most serious problems which has to be resolved is the question of missing persons. During the mission, I urged all authorities concerned to offer their full support to the ICRC and to the Commission's expert dealing with the special process on missing persons, in order to create conditions for determining the whereabouts of these missing persons. Without significant progress in that area it would be impossible to create conditions for a peaceful coexistence.

Mr. Chairman,

I am fully aware that at the present, very crucial moment, my activities may be of particular importance. Therefore I intend to actively implement the mandate entrusted to me. I am looking forward to creating close working relations with international organs established as a result of the peace agreement in Bosnia and Herzegovina and the agreement concerning Sector East in the Republic of Croatia. I also hope that it will be possible to intensify the human rights monitoring presence in the Federal Republic of Yugoslavia. I am planning to conduct my next mission to the region at the end of January.

I would be most grateful if this letter could be issued as an official document of the fifty-second session of the Commission on Human Rights and be circulated to the members of the Commission.

(Signed) Elisabeth Rehn
Special Rapporteur of the
Commission on Human Rights